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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,532	02/19/2004	Stephen F. Brown	CWSI.2CP1CP1	3246

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KNOBBE MARTENS OLSON & BEAR LLP		
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EXAMINER	
MATHEWS, ALAN A	

ART UNIT	PAPER NUMBER
2851	

NOTIFICATION DATE	DELIVERY MODE
02/01/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/782,532	<b>Applicant(s)</b> BROWN, STEPHEN F.	
	<b>Examiner</b> Alan A. Mathews	<b>Art Unit</b> 2851	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 17-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 17-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 17-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,709,172 in view of Choi et al. (U.S. Patent 5,604,551) or Jones (U.S. Patent 6,292,213) or Bern (U.S. Patent 5,990,938). Claims 1-17 of U.S. Patent No. 6,709,172 disclose the invention except for disclosing a wireless communication of the camera and recorder. Choi et al. discloses column 2, lines 44-53, column 3, lines 37-40, and column 4, lines 5-9, column 8, lines 41-48, and figure 4, avoiding cabling

between the video camera and the recording apparatus by using a wireless link from the video camera to the recording apparatus. Jones discloses in column 8, lines 44-54, and figure 3, the use of wireless communication path 44 for recording images from a CCD (video camera). The recorder could be at a base station. Bern discloses in column 4, lines 66 and 67, and column 5, lines 1 and 2, sending signals from a video camera to a video recorder by wireless. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide claims 1-17 of U.S. Patent No. 6,375,370 with a recorder in wireless communication with the camera in view of either Choi et al. or Jones or Bern for the purpose of avoiding the use of cables, which require special handling and can be damaged.

3. Claims 17-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,375,370 in view of Choi et al. (U.S. Patent 5,604,551) or Jones (U.S. Patent 6,292,213) or Bern (U.S. Patent 5,990,938). Claims 1-13 of U.S. Patent No. 6,375,370 disclose the invention except for disclosing a wireless communication of the camera and recorder. Choi et al. discloses column 2, lines 44-53, column 3, lines 37-40, and column 4, lines 5-9, column 8, lines 41-48, and figure 4, avoiding cabling between the video camera and the recording apparatus by using a wireless link from the video camera to the recording apparatus. Jones discloses in column 8, lines 44-54, and figure 3, the use of wireless communication path 44 for recording images from a CCD (video camera). The recorder could be at a base station. Bern discloses in column 4, lines 66 and 67, and column 5, lines 1 and 2, sending signals from a video camera to a video recorder by wireless. It would have been obvious at the time the invention was made to a person having ordinary skill in the art

to provide claims 1-13 of U.S. Patent No. 6,375,370 with a recorder in wireless communication with the camera in view of either Choi et al. or Jones or Bern for the purpose of avoiding the use of cables, which require special handling and can be damaged.

4. Claims 1, 2, and 29-39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,709,172. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the elements recited in claims 29-39 of the instant application are found in claims 1-13 of U.S. Patent No. 6,709,172.

5. Claims 1, 2 and 29-39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,375,370. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the elements recited in claims 29-39 of the instant application are found in claims 1-13 of U.S. Patent No. 6,375,370.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17, 22-25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (U.S. Patent 5,986,576) in view of Fernandez et al. (U. S. Patent No. 6,697,103). Armstrong discloses in figures 1, 5, and 8, a surveillance system including a platform for surveillance equipment 55, 62, and 63. Column 9, lines 11-23, state that a video camera 55 can be positioned on all sides (plural cameras) to record all occurrences surrounding the device (i.e. providing video data of objects in the vicinity of the surveillance system). A video camera would have a recorder. Base 30 is a hollow enclosure that includes a power source 36. Base 30 is configured to maintain the transportable unmanned surveillance system in an upright freestanding position and to substantially prevent movement of the base by hand. The cameras 55 are positioned above the base at a height sufficient to put the camera substantially out of reach of a person who may want to tamper with the camera. Hollow pole 24 is the support structure coupled to the base and extending upwardly, wherein the camera is coupled to the support structure. With respect to claim 23, figure 5 and column 8, lines 6-27 and column 9, lines 42-67, discloses a remote control unit 42. With respect to claim 25, any connection to a 110 line would inherently connect at some point down the electrical line to a power pole. With respect to claim 28, Armstrong discloses a motion sensor 59. Although Armstrong discloses in column 3, lines 32-35, using a **wireless remote control unit** (which would be remote control unit 42), Armstrong does not specifically disclose that a recorder is in wireless communication with the camera or that there is a network of surveillance system or that there is electronic equipment for communicating via the Internet. Fernandez et al. in figure 1 and column 2, lines 32-47, column 3, lines 16-22, column 5, line 25, **column 6, lines 16-30, column 7, lines 3-6**, and column 7,

lines 35-55, the use of a wireless communication (via communicator 7) between video cameras and recorders and the use of a network of surveillance systems and communicating via the Internet. Fernandez et al. discloses in the title and column 1, line 6-42, and column 2, line 46, and column 7, line 3, and column 8, line 6, communicating with remote users. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Armstrong with a wireless communication between video cameras and a recorder and to provide a network of surveillance systems and to communicate via the Internet or remote users in view of Fernandez et al. for the purpose of eliminating wires and improved versatility of the surveillance system.

8. Claims 17, 21, 23, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (U.S. Patent 5,986,576) in view of Choi et al. (U.S. Patent 5,604,551) or Jones (U.S. Patent 6,292,213) or Bern (U.S. Patent 5,990,938). Armstrong discloses in figures 1, 5, and 8, a surveillance system including a platform for surveillance equipment 55, 62, and 63. Column 9, lines 11-23, state that a video camera 55 can be positioned on all sides (plural cameras) to record all occurrences surrounding the device (i.e. providing video data of objects in the vicinity of the surveillance system). A video camera would have a recorder. Base 30 is a hollow enclosure that includes a power source 36. Base 30 is configured to maintain the transportable unmanned surveillance system in an upright freestanding position and to substantially prevent movement of the base by hand. The cameras 55 are positioned above the base at a height sufficient to put the camera substantially out of reach of a person who may want to tamper with the camera. Hollow pole 24 is the support structure coupled to the base and extending upwardly, wherein the camera

is coupled to the support structure. With respect to claim 23, figure 5 and column 8, lines 6-27 and column 9, lines 42-67, discloses a remote control unit 42. With respect to claim 28, Armstrong discloses a motion sensor 59. Although Armstrong discloses in column 3, lines 32-35, using a **wireless remote control unit** (which would be remote control unit 42), Armstrong does not specifically disclose that a recorder is in wireless communication with the camera. Choi et al. discloses column 2, lines 44-53, column 3, lines 37-40, and column 4, lines 5-9, column 8, lines 41-48, and figure 4, avoiding cabling between the video camera and the recording apparatus by using a wireless link from the video camera to the recording apparatus. Jones discloses in column 8, lines 44-54, and figure 3, the use of wireless communication path 44 for recording images from a CCD (video camera). The recorder could be at a base station. Bern discloses in column 4, lines 66 and 67, and column 5, lines 1 and 2, sending signals from a video camera to a video recorder by wireless communication. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Armstrong with a recorder in wireless communication with the camera in view of either Choi et al. or Jones or Bern for the purpose of avoiding the use of cables, which require special handling and can be damaged.

9. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (U.S. Patent 5,986,576) in view of Choi et al. (U.S. Patent 5,604,551) as applied to claim 17 above, and further in view of Crookham et al. (U. S. Patent No. 5,944,413). The modified device of Armstrong and Choi et al disclose the invention except for disclosing the height of the pole or the weight of the base. Crookham et al discloses in column 3, lines 65 and 66, the use of a pole having a length of 40 feet. Crookham et al. further discloses in column 3,



lines 43-61, the use of a base weighting 6500 pounds and having an average density of at least 20 pounds per cubic foot. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the modified device of Armstrong and Choi et al. with a pole at least 25 feet high in view of Crookham et al. for the purpose of providing a high vantage point for observing the surroundings or a high vantage point for projecting light. In addition, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the modified device of Armstrong and Choi et al. with a base weighting more than 1000 pounds and has an average density of at least 20 pounds per cubic foot in view of Crookham et al. for the purpose of ensuring that forces such as wind and other forces can't tip the apparatus over.

10. Claims 29, 31, 36, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehle (U.S. Patent 5,212,655). Boehle discloses in figure 1 and column 4, a surveillance system including a base (vehicle 2) configured to support the surveillance system in an upright freestanding position. When the vehicle has the parking brakes on (the brakes that prevent a car from rolling down hill when parked), the base (vehicle) is prevented from being moved by hand. The base (vehicle 2) has an axle and wheels to facilitate transportation of the surveillance system. A video camera 6 is positioned above the base (vehicle) at a height sufficient to put the camera substantially out of reach of a person who may want to tamper with the camera (see figure 7). The camera 6 is configured to obtain video data of objects in the vicinity of the surveillance system. Elements 25 and 26 are the support structure coupled to the base and extending upwardly, wherein the camera 6 is coupled to the support structure. Figure 3 discloses

a recorder (video tape recorder VTR 12) positioned in a secure location inside the vehicle 2. One could point the camera at an area for surveillance, start the VTR 12, get out of the vehicle (and even leave the area). This would constitute an unmanned surveillance system. With respect to claim 36, any connection to a 110 line would inherently connect at some point down the electrical line to a power pole. With respect to claim 39, column 8, line 55, discloses the use of a microphone. Thus, Boehle discloses the invention except for specifically disclosing that the base is configured to prevent unauthorized access to the recorder. It is the position of the Examiner that vehicles, such as the vehicle 2 of figure 2, conventionally include door locks, and that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to include door locks in Boehle for the purpose of preventing theft.

11. Claims 18, 20, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehle (U.S. Patent 5,212,655) in view of Choi et al. (U.S. Patent 5,604,551) or Jones (U.S. Patent 6,292,213). Boehle discloses in figure 1 and column 4, a surveillance system including a base (vehicle 2) configured to support the surveillance system in an upright freestanding position. When the vehicle has the parking brakes on (the brakes that prevent a car from rolling down hill when parked), the base (vehicle) is prevented from being moved by hand. The base (vehicle 2) has an axle and wheels to facilitate transportation of the surveillance system. A video camera 6 is positioned above the base (vehicle) at a height sufficient to put the camera substantially out of reach of a person who may want to tamper with the camera (see figure 7). The camera 6 is configured to obtain video data of objects in the vicinity of the surveillance system. Elements 25 and 26 are the support structure coupled to the base and extending

upwardly, wherein the camera 6 is coupled to the support structure. Figure 3 discloses a recorder (video tape recorder VTR 12) positioned in a secure location inside the vehicle 2. One could point the camera at an area for surveillance, start the VTR 12, get out of the vehicle (and even leave the area). This would constitute an unmanned surveillance system. Thus, Boehle discloses the invention except for disclosing that the recorder is in wireless communication with the camera. Choi et al. discloses column 2, lines 44-53, column 3, lines 37-40, and column 4, lines 5-9, column 8, lines 41-48, and figure 4, avoiding cabling between the video camera and the recording apparatus by using a wireless link from the video camera to the recording apparatus. Jones discloses in column 8, lines 44-54, and figure 3, the use of wireless communication path 44 for recording images from a CCD (video camera). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Boehle with a recorder in wireless communication with the camera in view of either Choi et al. or Jones for the purpose of avoiding the use of cables, which require special handling and can be damaged.

12. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehle as applied to claim 29 above, and further in view of Fernandez et al. (U. S. Patent No. 6,697,103). Boehle discloses the invention except that Boehle does not specifically disclose that a recorder is in wireless communication with the camera or that there is a network of surveillance system or that there is electronic equipment for communicating remote users or via the Internet. Fernandez et al. in figure 1 and column 2, lines 32-47, column 3, lines 16-22, column 5, line 25, **column 6, lines 16-30, column 7, lines 3-6**, and column 7, lines 35-55, the use of a wireless communication (via communicator 7) between video cameras and recorders and the use of a network of

surveillance systems and communicating via the Internet. Fernandez et al. discloses in the title and column 1, line 6-42, and column 2, line 46, and column 7, line 3, and column 8, line 6, communicating with remote users. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Boehle with a wireless communication between video cameras and a recorder and to provide a network of surveillance systems and to communicate via the Internet or with remote users in view of Fernandez et al. for the purpose of eliminating wires and improved versatility of the surveillance system.

13. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boehle as applied to claim 29 above, and further in view of Crookham et al. (U. S. Patent No. 5,944,413). Boehle discloses the invention except for disclosing the height of the pole or the weight of the base. Crookham et al discloses in column 3, lines 65 and 66, the use of a pole having a length of 40 feet. Crookham et al. further discloses in column 3, lines 43-61, the use of a base weighting 6500 pounds and having an average density of at least 20 pounds per cubic foot. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide Boehle with a pole at least 25 feet high in view of Crookham et al. for the purpose of providing a high vantage point for observing the surroundings or a high vantage point for projecting light. In addition, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the modified device of Armstrong and Choi et al. with a base weighting more than 1000 pounds and has an average density of at least 20 pounds per cubic foot in view of Crookham et al. for the purpose of ensuring that forces such as wind and other forces can't tip the apparatus over.

*Allowable Subject Matter*

14. Claims 1 and 2 would be allowable **subject to filing a proper terminal disclaimer**.

Claims 19 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable (**subject to filing a proper terminal disclaimer**) if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reasons for the indicated allowability of the claims are as follows:

The prior art does not disclose or suggest wherein the surveillance assembly further includes a power distribution box mounted on the support pole near the platform adapted to receive a power supply line from an external power supply to supply electrical power to the current breaker for distribution of the electrical power to a distribution box for distribution of the electrical power to the electronics equipment and surveillance equipment in combination with all the other elements recited in independent claim 1.

The prior art does not disclose or suggest wherein the secure enclosure is coupled to the support structure and positioned above the base in combination with all the other elements recited in the parent claims to dependent claim 19.

The prior art does not disclose or suggest wherein the secure enclosure is coupled to the support structure and positioned above the base in combination with all the other elements recited in the parent claim to dependent claim 30.

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited in the PTO-1449 are cited for the same reasons they were cited in Applicant's IDS.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

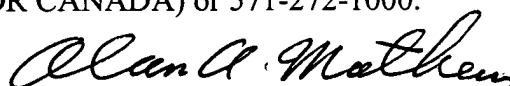
Application/Control Number:  
10/782,532  
Art Unit: 2851

Page 14

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (571) 272-2123. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alan A. Mathews  
Primary Examiner  
Art Unit 2851

AM